

**IN THE UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**HUNTINGTON DIVISION**

OHIO VALLEY ENVIRONMENTAL  
COALITION, et al.,

Plaintiffs,

v.

CIVIL ACTION NOS. 3:05-0784  
3:06-0438

UNITED STATES ARMY CORPS  
OF ENGINEERS, et al.,

Defendants.

v.

INDEPENDENCE COAL COMPANY, et. al.,

Intervenor-Defendants.

**ORDER**

Today, Monday 8, 2010, the Court entered an Order extending the stay in this action for three weeks or until March 26, 2010 (Doc. # 476). The Court's Order, however, was entered, at least in part, under its mistaken belief that the motion was unopposed. The Court has since realized that Mingo Logan Coal Company opposes the motion. Therefore, the earlier Order is hereby **WITHDRAWN** and the United States' Motion to Extend the Stay of Proceedings Regarding the Mingo Logan Coal Company's Spruce No. 1 Permit for an Additional Three Weeks (Doc. # 474) remains pending. Due to the time-sensitive nature of the motion, Mingo Logan is **ORDERED** to file any response in opposition within **5 days**, or on or before **March 12, 2010**. If the United States wishes to file a reply to such response, it must do so on or before **March 17, 2010**. The current stay

will remain in effect until further Order by this Court.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented parties.

ENTER: March 8, 2010

A handwritten signature in black ink, appearing to read 'Robert C. Chambers', written over a horizontal line.

ROBERT C. CHAMBERS  
UNITED STATES DISTRICT JUDGE